

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN (WATERLOO) DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GENESIS D. JONES,

Defendant.

No. CR 12-2036 LRR

**UNOPPOSED MOTION FOR LEAVE TO DISMISS WITHOUT PREJUDICE**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States Attorney for the Northern District of Iowa moves for leave of court to dismiss without prejudice the pending Indictment against defendant Genesis D. Jones ("defendant") so that the parties may enter into a pretrial diversion agreement that has been reviewed and approved by the United States Probation Office. Among the terms of the proposed pretrial diversion agreement is a requirement that defendant will plead guilty to and be sentenced in Iowa state court to an aggravated misdemeanor firearms offense.

Jane Kelly, counsel for defendant, has advised the undersigned that she does not object to this motion.

As noted by the Eighth Circuit Court of Appeals:

[C]ourts have recognized two circumstances in which the district court may deny leave to dismiss an indictment: when the defendant objects to the dismissal, and when dismissal is clearly contrary to the manifest public interest. *United States v. Gonzalez*, 58 F.3d 459, 461 (9th Cir.1995); *United States v. Hamm*, 659 F.2d 624, 629 (5th Cir.1981); *see also In re Richards*, 213 F.3d 773, 786-87 (3d Cir.2000) ("refusal to dismiss is appropriate only in the rarest of cases").

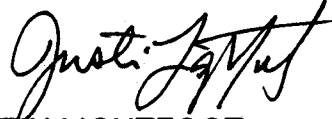
*United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8<sup>th</sup> Cir. 2001).

Here, as noted above, defendant does not object to the dismissal. Moreover, leave for dismissal would not be clearly contrary the manifest public interest where, as here, defendant will enter a pretrial diversion agreement requiring, among other things, that defendant will be convicted of a serious state offense.

Based on the above, the United States Attorney requests leave to dismiss the pending Indictment without prejudice.

Respectfully Submitted,

SEAN R. BERRY  
United States Attorney

By, 

JUSTIN LIGHTFOOT  
Assistant United States Attorney  
111 Seventh Avenue SE, Box 1  
Cedar Rapids, IA 52401  
319-363-6333  
Justin.Lightfoot@usdoj.gov

CERTIFICATE OF SERVICE

I certify that I electronically served a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on April 16, 2013.

UNITED STATES ATTORNEY

BY: s/ 

COPIES TO: Jane Kelly